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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,233	11/14/2003	Don G. Bartell	CML00844T (78933)	2477
22242 7590 01/23/2008 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER LAO, LUN S	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/714,233	Applicant(s) BARTELL, DON G.	
	Examiner Lun-See Lao	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5 and 8-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 8-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Introduction*

1. This action is in response to the applicant's remarks filed on 11-12-2007. Claims 2 and 6-7 have been cancelled and claims 1, 3-5 and 8-30 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 8-13 and 17-25, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable Hack et al(US 2003-0109286) in view of Lundgren et al(5,870,485).

Hack discloses an intelligent multi-media display communication system comprising: a flexible substrate having first and second portions (i.e. the display system 106 is fabricated on a flexible substrate, where the first portion can be reads as the portion where the flexible active display is disposed and the second portion can be reads as the portion where the flexible audio transducer is disposed) (Fig. 2; page 5, paragraph 0051 and 0052; page 6, paragraph 0066); a flexible active display (110) supported by the first flexible substrate portion; and a flexible audio transducer (123) proximally disposed with respect to the flexible active display (Fig. 2) and supported by the second flexible substrate portion.

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Hack does not expressly disclose an acoustic dampener coupled between the first flexible substrate portion and the second flexible substrate portion and only partially disposed about the flexible audio transducer to substantially fully separate the first portion from the second portion.

Lundgren et al teach an acoustic dampening material (e.g. 27a-27c, 28, 31) placed between a display (8) and speakers (21a, 21b) in order to limit transmission of vibrations to the display (see figures 1A-3B; column 3, lines 50-65; column 6, lines 47-68; column 7; column 8, lines 1-9; column 12, lines 47-53; claims 1, 3 and 19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hack with the teaching of Lundgren et al to incorporate a vibration dampening material placed between the flexible display and flexible transducers of Hack in order to limit transmission of vibrations to the flexible display (i.e. an acoustic dampener coupled between the first flexible substrate portion and the second flexible substrate portion and only partially disposed about the flexible audio transducer to substantially fully separate the first portion from the second portion).

Regarding Claim 3, Hack as modified discloses comprising at least a second flexible audio transducer (121) proximally disposed with respect to the flexible active display (Fig. 2)

Regarding Claim 4, Hack as modified discloses a flexible substrate that supports the flexible active display; and the flexible audio transducer; also supports the at least a second flexible audio transducer (i.e. the display system 106 is fabricated on a flexible substrate) (Fig. 2; page 5, paragraph 0051 and 0052; page 6, paragraph 0066). 9.

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Regarding Claim 5, Hack as modified discloses a plurality of flexible audio transducers (121,123) disposed substantially equidistant from one another about the flexible active display (Fig. 2).

Regarding Claims 8, 9, 10, and 11, Hack as modified discloses a dampener, but does not expressly disclose the dampener comprises a vacuum, or a discontinuous material, wherein the discontinuous material comprises a woven structure or a plurality of holes disposed through the material. However, the Examiner takes Official Notice that it is well known in the art to utilize any known types of dampener such as a vacuum, or a discontinuous material, wherein the discontinuous material comprises a woven structure or a plurality of holes disposed through the material in order to have the desired configuration to reduce vibrations. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hack as modified to utilize any known types of dampener such as a vacuum, or a discontinuous material, wherein the discontinuous material comprises a woven structure or a plurality of holes disposed through the material in order to have the desired configuration to reduce vibrations (see Lundgren's figures 1A, 1B, 3A, 3B; column 3, lines 50-65; column 6, lines 47-68; column 7; column 8, lines 1-9; claims 1, 3 and 19).

Regarding Claim 17, Hack as modified discloses a selective rigidizer (113) disposed proximal to the flexible audio transducer (i.e. the rod 113 support the display system vertical) (Fig. 2).

Regarding Claim 18, Hack as modified discloses a rigid backing disposed at least partially coextensively with the flexible audio transducer (i.e. it is contemplated that

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the display substrate can be formed from a smart material that is flexible when the display 106 is retracted, but becomes rigid when the display 10 is extended)(page 5, paragraph 0051).

Regarding Claim 19, Hack as modified discloses a housing (102) and a retraction mechanism (113) disposed therein that is coupled to the flexible active display and the flexible audio transducer (Figs. 2 and 3A-C; page 5, paragraphs 0056 and 0058).

Regarding Claims 20 and 25, Hack discloses a method of forming a flexible combined display and speaker apparatus (i.e. intelligent multi-media display communication system)(Fig. 2), comprising: providing a flexible substrate having first and second portions (i.e. the display system 106 is fabricated on a flexible substrate, where the first portion can be reads as the portion where the flexible active display is disposed and the second portion can be reads as the portion where the flexible audio transducer is disposed); supporting a flexible active display (110) with the first flexible substrate portion; supporting a flexible speaker (123) with the second flexible substrate portion (Fig. 2; page 5, paragraph 0051 and 0052; page 6, paragraph 0066).

Lundgren et al teach an acoustic dampening material (e.g. 27a-27c, 28, 31) placed between a display (8) and speakers (21a, 21b) in order to limit transmission of vibrations to the display (see figures 1A-3B; column 3, lines 50-65; column 6, lines 47-68; column 7; column 8, lines 1-9; column 12, lines 47-53; claims 1, 3 and 19). It would have been obvious to have modified Hack with the teaching of Lundgren et al, so as to suspense the noise in the display created by the speakers(see claim 9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hack with the teaching of Lundgren et al to incorporate a vibration dampening material placed between the flexible display and flexible transducers of Hack in order to limit transmission of vibrations to the flexible display (i.e. an acoustic dampener coupled between the first flexible substrate portion and the second flexible substrate portion and only partially disposed about the flexible audio transducer to substantially fully separate the first portion from the second portion). Hack as modified discloses temporarily disposing the flexible substrate, and hence the flexible active display and the flexible speaker, in a non-planar configuration (Figs. 3A-C; page 5, paragraphs 0056 and 0058).

All elements of Claim 22 are comprehended by Claim 21. Claim 22 is rejected for the reasons stated above apropos to Claim 21.

All elements of Claim 23 are comprehended by Claim 21. Claim 23 is rejected for the reasons stated above apropos to Claim 21.

Regarding Claim 24, Hack as modified discloses folding the flexible substrate (i.e. alternatively, the display 106 can be formed such that it can be folded like a map and attached to either the interior or exterior of the housing 102) (page 5, paragraph 0056).

Regarding Claim 30, Hack as modified disclose a speaker 123 (i.e. first flexible audio transducer comprising a speaker) and a speaker 108, which is proximally disposed with respect to the flexible active display (Fig. 2). Hack as modified discloses a speaker 108, but only generally; no specific hardware or software is taught. However it

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would have been obvious to utilize a speaker such as the thin film speaker 123 as speaker 108, which is thin and flexible, therefore providing a speaker that would not occupy much space (i.e. second flexible audio transducer comprising a speaker). In addition, Hack discloses communication device 100 can also include one or more speakers.

Regarding Claims 12 and 13, Hack as modified discloses a first and second flexible substrate, but does not expressly disclose the first and second flexible substrate comprising a similar material or difference material. However, the Examiner takes Official Notice that it would have been obvious one having ordinary skill in the art at the time the invention was made to provide the first and second flexible substrate comprising a similar material or difference material in order to provide desired structural properties. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hack as modified to provide the first and second flexible substrate comprising a similar material or difference material in order to provide desired structural properties.

4. Claims 14-16 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hack in view of Lundgren as applied to claims 1, 3-5, and 17-25 above, and further in view of "Electroactive Polymer Artificial Muscles Acoustic Applications", by SRI International (hereafter as SRI International),

Regarding Claim 14, Hack as modified discloses a flexible audio transducer (123), wherein the flexible audio transducer is a thin film audio transducer that is thin enough



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and flexible enough so that the collapsible nature of the display is unaffected, but only generally; no specific hardware is taught. Therefore it would have been obvious to one having ordinary skill in the art to seek known flexible audio transducers. SRI International for example discloses dielectric elastomer electroactive polymer materials for use in a variety of applications, such as loudspeakers (i.e. audio transducer) comprising films of dielectric elastomer polymer, coated on both sides with a compliant electrode material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ any known flexible speaker, such as that of SRI International. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the flexible speaker of Hack with the teaching of SRI International to utilize a flexible audio transducer comprising films of dielectric elastomer polymer, coated on both sides with a compliant electrode material (i.e. flexible audio transducer is comprised of at least one layer of a dielectric elastomer polymer material).

All elements of Claim 15 are comprehended by Claim 14. Claim 15 is rejected for the reasons stated above apropos to Claim 14.

All elements of Claim 16 are comprehended by Claim 14. Claim 16 is rejected for the reasons stated above apropos to Claim 14.

Claim 26 is essentially similar to Claim 14 and is rejected for the reasons stated above apropos to Claim 14.

Claim 27 is essentially similar to Claim 15 and is rejected for the reasons stated above apropos to Claim 15.

Claim 28 is essentially similar to Claim 16 and is rejected for the reasons stated above apropos to Claim 16.

All elements of Claim 29 are comprehended by Claims 14 and 16. Claim 29 is rejected for the reasons stated above apropos to Claims 14 and 16.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20030109286 to Hack et al. (hereafter as Hack) in view of U.S. Patent No. U.S. Patent Application Publication No. 2003/0076971 to Sperle et al. (hereafter as Sperle).

Regarding Claim 25, Hack discloses an integrated display and speaker (i.e. intelligent multi-media display communication system)(Fig. 2) comprising: flexible display (110) means for selectively providing an active display on a conformably flexible display surface; flexible speaker means (123) integrally configured with respect to the flexible display means for selectively providing audible sound (Fig. 2). Hack does not expressly disclose an acoustic dampening means operably and integrally coupled between the flexible display means and the flexible speaker means and only partially disposed about the flexible audio transducer to substantially fully separate the first portion from the second portion. Sperle discloses a vibration dampening material placed between a display and loudspeakers in order to limit transmission of vibrations to the display (abstract; Figs. 1- 4; page 2, paragraphs 0028 and 0033).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hack with the teaching of Sperle to incorporate a

vibration dampening material placed between the flexible display and flexible transducers of Hack in order to limit transmission of vibrations to the flexible display (i.e. an acoustic dampening means operably and integrally coupled between the flexible display means and the flexible speaker means and only partially disposed about the flexible audio transducer to substantially fully separate the first portion from the second portion).

6. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20030109286 to Hack in view of U.S. Patent No. U.S. Patent Application Publication No. 2003/0076971 to Sperle as applied to claims 1, 3-5, and 17-25 above, and further in view of "Electroactive Polymer Artificial Muscles Acoustic Applications", by SRI International (hereafter as SRI International),

25. Regarding Claim 26, Hack as modified discloses a flexible audio transducer (123), wherein the flexible audio transducer is a thin film audio transducer that is thin enough and flexible enough so that the collapsible nature of the display is unaffected, but only generally; no specific hardware is taught. Therefore it would have been obvious to one having ordinary skill in the art to seek known flexible audio transducers. SRI International for example discloses dielectric elastomer electroactive polymer materials for use in a variety of applications, such as loudspeakers (i.e. audio transducer) comprising films of dielectric elastomer polymer, coated on both sides with a compliant electrode material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ any known flexible speaker, such as that of

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SRI International. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the flexible speaker of Hack with the teaching of SRI International to utilize a flexible audio transducer comprising films of dielectric elastomer polymer, coated on both sides with a compliant electrode material (i.e. flexible audio transducer is comprised of at least one layer of a dielectric elastomer polymer material).

29. Claim 27 is essentially similar to Claim 26 and is rejected for the reasons stated above apropos to Claim 26.

30. Claim 28 is essentially similar to Claim 16 and is rejected for the reasons stated above apropos to Claim 26.

31. All elements of Claim 29 are comprehended by Claim 26. Claim 26 is rejected for the reasons stated above apropos to Claims 26.

### ***Response to Arguments***

7. Applicant's arguments filed 11-12-2007 have been fully considered but they are not persuasive.

Regarding Applicants argued that the combination of Hack and Lundgren do not teach an acoustic dampener coupled between the first flexible substrate portion and the second flexible substrate portion and only partially disposed about the flexible audio transducer to fully separate the first portion from the second portion (see the remarks on pages 8-11).

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The examiner disagrees with that since Hack et al teach a first flexible substrate portion for supporting a display(110 in fig.2) and a second flexible substrate portion for supporting an audio transducer(123)(see figure 2; paragraphs 50-52 and 66); and Lundgren teaches an acoustic dampener(attenuation means with elastomeric suspension material(flexible material)) disposed between the first substrate portion(display portion, 14) and the second portion(an audio transducer, speaker, 21a, 21b) only partially disposed about the audio transducers(21a, 21b) to fully separate the first portion(display portion, 14) from the second portion(audio transducers 21a, 21b)(see figures 1A, 1B; column 3, lines 57-65; column 6, lines 36-61; column 7, lines 8-20 and claims 1, 3 and 9).

Thus, the combination of these references meet claim limitation of an acoustic dampener as discussed above. Further, the Supreme Court has recently stated that the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results(in this case, the predictable result is to limit transmission of vibration produced by an audio transducer to a display(see Lundgren's column 3, lines 57-65 and claim 1))." KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1739, 82 USPQ2d 1385, 1395 (U.S. 2007).

Applicants further argue that the combination of Hack and Sperie do not teach an acoustic dampening means operably and integrally coupled between the flexible display means and the flexible speaker means and only partially disposed about the flexible speaker means to substantially fully separate the flexible speaker means from the flexible display means (see the remarks on page12).

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The examiner disagrees with that since Hack teaches flexible display means(110 in fig.2) for selectively providing an active display on a conformably flexible display surface; flexible speaker means (123) integrally configured with respect to the flexible display means for selectively providing audible sound (see figure 2; paragraphs 50-52 and 66); and Sperle discloses a vibration dampening material (such as, foamed plastics material) placed between a display and loudspeakers in order to limit transmission of vibrations to the display (abstract; Figs. 1- 4; page 2, paragraphs 0028 and 0033 in claim 25).

Therefore, Hack as modified by Sperle to incorporate a vibration dampening material placed between the flexible display and flexible transducers of Hack to limit transmission of vibrations to the flexible display and an acoustic dampening means operably and integrally coupled between the flexible display means and the flexible speaker means and only partially disposed about the flexible audio transducer to substantially fully separate the first portion from the second portion.

Thus, the combination of these references meet claim limitation of an acoustic dampener as discussed above. Further, the Supreme Court has recently stated that the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results(in this case, the predictable result is to limit transmission of vibration produced by an audio transducer to a display(see Sperle's abstract; Figs. 1- 4; page 2, paragraphs 0028 and 0033 in claim 25)." KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1739, 82 USPQ2d 1385, 1395 (U.S. 2007).

**Conclusion**

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lundgren (US PAT. 6,275,595) is cited to show other related integrated flexible display and speaker apparatus and method.

10. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents  
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Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

**(571) 273-8300**

Hand-delivered responses should be brought to:

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401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao, Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao, Lun-See *L.S.*  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501  
Date 01-09-2008

  
VIVIAN CHIN  
SUPERVISOR PATENT EXAMINER  
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